

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
2001

C. Any class or organization of an elementary, secondary or ~~post secondary~~ postsecondary educational institution operated or accredited by the State; or

D. Any state agency that conducts or operates a raffle for a donated item to benefit fish and wild-life conservation projects.

Any exempt organization, department or class or combination listed in paragraph A, B ~~or~~, C or D may sponsor, operate and conduct a raffle without a license only for the exclusive benefit of that organization, department or class or combination and that raffle must be conducted only by duly authorized members of the sponsoring organization, department or class or combination.

A state agency may not conduct or operate more than 2 raffles per year pursuant to paragraph D.

See title page for effective date.

CHAPTER 205

H.P. 359 - L.D. 449

An Act to Prevent Damage to Lobsters

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA §6433-B is enacted to read:

§6433-B. Runners

1. Definitions. As used in this section, unless the context otherwise indicates, the term "runner" means a device on the bottom of a lobster trap that prevents damage to lobster claws and allows the trap to be pulled smoothly out of the water.

2. Device to prevent damage to lobster claws. A lobster trap must have a device attached to the trap that is designed to prevent damage to lobster claws.

A. If stick runners are used:

- (1) The runners may be made out of any material;
- (2) The runners must be at least 1/4 inch thick; and
- (3) A minimum of two runners must be attached to the lobster trap and the runners must be placed on opposite sides of the bottom of the lobster trap.

B. If a 2nd layer of material is used in lieu of stick runners, it must be layered in a manner that creates a mesh size smaller than the base trap mesh when attached to the bottom of the trap.

C. If a device other than a device identified in paragraph A or B is used, the device must be designed to minimize damage to lobster claws and must be approved by the commissioner.

See title page for effective date.

CHAPTER 206

H.P. 1039 - L.D. 1396

An Act to Encourage and Support a Mother's Decision to Breast-feed in this State

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §4634 is enacted to read:

§4634. Right to breast-feed

Notwithstanding any other provision of law, a mother may breast-feed her baby in any location, public or private, where the mother is otherwise authorized to be.

See title page for effective date.

CHAPTER 207

H.P. 395 - L.D. 516

An Act Exempting Prehistoric and Historic Archaeological Work from Permitting Requirements under the Natural Resource Protection Laws and the Shoreland Zoning Laws

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §439-A, sub-§8 is enacted to read:

8. Archaeological excavation. A permit is not required for an archaeological excavation that is within a shoreland zone as long as the excavation is conducted by an archaeologist listed on the Maine Historic Preservation Commission level 1 or level 2 approved list and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.

Sec. 2. 38 MRSA §480-Q, sub-§22 is enacted to read:

22. Archaeological excavation. Archaeological excavation adjacent to a great pond, freshwater wetland, coastal wetland, sand dune system, river, stream or brook as long as the excavation is conducted by an archaeologist listed on the Maine Historic Preservation Commission level 1 or level 2 approved list and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.

Sec. 3. Maine Land Use Regulation Commission; rules. The Maine Land Use Regulation Commission shall adopt rules exempting archaeological excavations that are within its jurisdiction and adjacent to a great pond, freshwater wetland, coastal wetland, sand dune system, river, stream or brook from its permitting requirements as long as the excavation is conducted by an archaeologist listed on the Maine Historic Preservation Commission level 1 or level 2 approved list and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures. Rules adopted under this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A.

See title page for effective date.

CHAPTER 208

S.P. 303 - L.D. 1050

An Act to Allow Victims of Crimes More Access to Inmate Records

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 34-A MRSA §3003, sub-§1-B is enacted to read:

1-B. Release of certain information to victims. Notwithstanding subsection 1, upon the request of a person who was the victim of a crime, as verified by the department or the prosecuting attorney, for which a client was incarcerated, the department shall disclose the following information to the victim:

A. Whether the client has been charged with committing any crime while incarcerated and, if so, the crime with which the client has been charged; and

B. Whether the client has been disciplined while incarcerated and, if so, the offense for which the

disciplinary action was taken and the type of disciplinary action taken.

See title page for effective date.

CHAPTER 209

S.P. 301 - L.D. 1012

An Act to Safeguard Production of Groundwater

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation needs to take effect before the expiration of the 90-day period in order to govern the spring construction season; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

PART A

Sec. A-1. 5 MRSA §12004-G, sub-§13-B, as enacted by PL 1991, c. 455, Pt. A, §1, is amended to read:

13-B.	Maine	\$50 Per	32
Environment/ Health Engineering	Water Well Drilling Commission	Meeting Plus Expenses	MRSA §4700-G

Sec. A-2. 22 MRSA c. 270-C is amended by repealing the chapter headnote and enacting the following in its place:

CHAPTER 270-C

MAINE WATER WELL PROGRAM

Sec. A-3. 22 MRSA §§1689 and 1689-A, as enacted by PL 1991, c. 455, Pt. A, §2, are amended to read:

§1689. Program established

The Maine Water Well ~~Drilling~~ Program, known in this chapter as "the program," is established to provide the public with the highest quality drinking water possible by ensuring that water wells are drilled, constructed, altered or abandoned in a manner that